

Message Text

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ACTION AF-08

INFO OCT-01 ISO-00 CPR-01 PPT-01 SCA-01 SCS-03 CIAE-00

INR-07 NSAE-00 PER-01 EUR-12 /035 W

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R 211400Z MAR 77

FM AMEMBASSY COTONOU

TO SECSTATE WASHDC 9528

C O N F I D E N T I A L COTONOU 0570

FOR AF/W DIRECTOR SMITH FROM THOMPSON

E.O. 11652: GDS

TAGS: PFOR, PINT, DM, US

SUBJ: PROPOSED BENINESE TRAVEL RESTRICTIONS

1. WE ARE IN THE SORT OF PARADOXICAL SITUATION WHICH BENINESE DELIGHT IN CREATING: VOICE OF THE REVOLUTION ON MARCH 3 ANNOUNCED THAT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BENIN (GPRB) WAS PROMULGATING A DECREE WHICH WOULD SEVERELY CURTAIN ALL TRAVEL BY RESIDENT FOREIGNERS, INCLUDING DIPLOMATS, WHO, IN ORDER TO LEAVE COTONOU WOULD REQUIRE WRITTEN PERMISSION FROM MINISTERS OF INTERIOR AND FOREIGN AFFAIRS. THE DECREES, HOWEVER, HAVE NOT BEEN PUBLISHED, SO THAT TECHNICALLY IT IS IMPOSSIBLE TO CHALLENGE SPECIFICS OF LAWS WHICH MAY CONTRAVENE VIENNA CONVENTION ON DIPLOMATIC RELATIONS. THOUGH FOREIGN MINISTRY WILL NOT PUT IT IN WRITING, DIPLOMATS WHO HAVE ASKED FOR CLARIFICATION FROM FOREIGN MINISTRY HAVE BEEN TOLD ORALLY BY CHIEF OF PROTOCOL THAT FOR PRACTICAL PURPOSES DECREES IN EFFECT AND MUST BE OBAIED. DIPLOMATS WISHING TO TRAVEL IN COUNTRY OR LEAVE BENIN MUST HAVE LAISSEZ PASSER AND/OR EXIT VISA.

2. SOVIET CONSUL RECENTLY TOLD EMBOFF THAT USSR OFFICIALS ARE SCRUPULOUSLY ADHERING TO BENINESE LAWS, SEEKING EXIT VISAS TO VISIT LAGOS AND TOGO. HE STRONGLY URGED US EMBASSY TO FOLLOW SAME PROCEDURE, SINCE SOONER OR LATER BEN-
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INESE INTENDED TO "MAKE EXAMPLE" OF DIPLOMAT VIOLATING DECREES. EMBOFF FELT THAT SOVIET CONSUL, WHO HAD BEEN PRESENT AT LOCAL CHIEFS OF MISSION MEETING IN WHICH US, FRG, EGYPT, NIGER, AND CANADA HAD PRESSED FOR DIPLOMATIC SOLIDARITY ON BASIS OF VIENNA CONVENTION RIGHTS, WAS ACTING ON BEHALF OF BENINESE TO GET US AND OTHER WESTERN EMBASSIES TO RECOGNIZE GPRB'S DE FACTO RIGHT TO LIMIT TRAVEL PRIOR TO ACTUAL PROMULGATION OF

DECREE. ONCE HAVING ACCEPTED PRINCIPLE, WE WOULD BE ON SHAKY
GROUNDS IN CHALLENGING GPRB LATER WHEN DECREES PUBLISHED IN
OFFICIAL GAZETTE. (EMBOFF ALSO SPECULATED THAT
GPRB WOULD SHARE INFORMATION ON FOREIGN DIPLOMATS' MOVEMENTS
WITH SOVIET EMBASSY.)

3. ANNOUNCEMENT THAT TOGO BORDER IS REOPENING WILL BRING
REQUESTS FROM EMBASSY PERSONNEL TO VISIT LOME IN ORDER TO ES-
CAPE TEMPORARILY FROM RATHER OPPRESSIVE ATMOSPHERE OF COTONOU.
WE CERTAINLY ENCOURAGE SUCH TRAVEL, BUT AT SAME TIME WE WILL
HAVE TO DEAL WITH PROBLEM OF WHETHER TO TELL EMBASSY PERSONNEL
TO IGNORE ALLEGED EXIT VISA REQUIREMENT AND RUN RISK OF BEING
TURNED BACK AT BORDER OR PERHAPS BE DENIED RE-ENTRY ON GROUNDS
OF ILLEGAL EXIT, OR WHETHER TO SEEK PRIOR TO
AUTHORIZATION
FROM GPRB. IT IS LIKE NOVICE MONK WHO WAS TOLD "NO"
BY ABBOT WHEN HE ASKED WHETHER SMOKING WAS ALLOWED IN MONAS-
TERY. NOTICING NUMEROUS CIGARETTE BUTTS, NOVICE ASKED TO WHOM
THEY BELONGED IF SMOKING NOT PERMITTED. "TO THOSE WHO DID NOT
ASK", REPLIED ABBOT.

4. AT THIS TIME, I.E., UNTIL DECREES ARE PRINTED OR UNTIL WE
HAVE MADE STRONG DEMARCHE TO GPRB, I AM EXTREMELY RELUCTANT TO
TAKE ANY ACTION WHICH WOULD LATER UNDERMINE OUR NEGOTIATING
POSITION WITH BENINESE. ASSUMING AN INDIVIDUAL WAS AWARE OF
POSSIBILITY OF BEING TURNED BACK OR NOT IMMEDIATELY READMITTED
I WOULD CONSIDER ALLOWING A MEMBER OF EMBASSY TO SET OUT FOR
TOGO WITHOUT CHECKING WITH FONMIN IN ORDER TO MAKE TEST CASE.
ALTERNATIVE WOULD BE TO ASK INDIVIDUALS TO DEFER ANY SUCH
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TRAVEL UNTIL LAWS ARE GAZETTED -- WHICH COULD MEAN MONTHS --
OR UNTIL WE HAVE TAKEN QUESTION UP FORMALLY WITH GPRB. WOULD
APPRECIATE DEPT'S SUGGESTIONS.
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Message Attributes

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Control Number: n/a
Copy: SINGLE
Sent Date: 21-Mar-1977 12:00:00 am
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Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
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